

25. (Amended) The [vaccine] immunogenic composition of claim [15] 49, wherein said immunologically acceptable carrier comprises encapsulating microspheres.

26. (Amended) The [vaccine] immunogenic composition of claim 25, wherein said encapsulation microspheres comprise biodegradable bio-compatible poly (DL-lactide-co-glycolide) as a bulk matrix.

Please add the following claims:

---48. (New) The immunogenic composition of claim 15 wherein said peptide is a synthetic peptide.

Sub E3 49. (New) The immunogenic composition of claim 15 wherein said immunogenic composition is combined with an immunogenically acceptable carrier---.

REMARKS

The Examiner is thanked with appreciation for extending the Examiner's time in granting the Applicants a personal interview. Pursuant to the interview summary report, the Applicants have amended the claims to incorporate in claim 15 the different sequences of claims 31-37. Applicants have also changed the term "vaccine composition" to "immunogenic composition" pursuant to the discussion between Applicants and the Examiner.

Claims 15, 18, 21-23, 25-26 and 48-49 are pending in the application. Claims 16, 17, 19, 20, 24 and 27-47 have been cancelled. Claims 15, 18, 21, 22, 23 and 25-26 have been amended. Claims 48 and 49 are newly added. No new matter has been added.

The amendment of the claims is believed to fully address both rejections under 35 U.S.C. §112 paragraph one and two. Further, the above amendments are intended to address the art rejections under 35 U.S.C. §102(b) and 103.

The Examiner indicated that she would check with her supervisor regarding the rejection under 35 U.S.C. §102(b) Reid, (Jrnl. Of Immunology, 1993). The article does not disclose any peptide except CS3. Applicants believe that the parent application for which this application (serial no. 08/064,559) is a CIP recites the same data that was reported by Reid in the 1993 journal article. Applicants are, however, not in position of the parent application. Applicants have hired a contracting firm on March 30, 2001 to obtain the PTO's copy of the '559 application. The PTO is still in the process of trying to locate the file. They have indicated that at present it is missing.

The Examiner has objected to the oath or declaration as defective for not providing a declaration from the inventor Scheherazade. Applicants have been attempting without success to locate inventor Scheherazade. Applicants' filed a Petition under Rule 37 CFR 1.47 requesting acceptance of the declarations of the inventors Nauss and Wolf citing the inability to locate inventors Reid and Scheherazade. Applicants are awaiting acceptance of this petition.

Reconsideration and allowance are respectfully requested.

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Respectfully submitted,

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